

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

MCOM IP, LLC,)	
Plaintiff,)	
)	Civil Action No. 6:21-cv-00196-ADA
v.)	
)	
CSI, INC.)	JURY TRIAL DEMANDED
Defendant.)	

**MOTION FOR LEAVE TO FILE RESPONSE TO
ALERT MEDIA INC’S RULE 12(B)(6) MOTION TO DISMISS**

COMES NOW, Plaintiff mCom IP, LLC. (“mCom”) and requests leave to file a response to Defendant, CSI, Inc. (“CSI”) 12(b)(6) Motion to Dismiss 12(b)(6) or in the Alternative Transfer Under 28 U.S.C. §1404, Doc. No. 11.

Defendant, CSI filed its Motion on June 18, 2021. Plaintiff’s response was due on July 2, 2021.¹

In March of 2021, Plaintiff’s counsel’s firm underwent a change to its docketing program.² In the process of changing docketing programs, in error, some deadline entries and/or cases, to include this one, did not transfer.³ The error was by mistake and without deceptive intent.⁴ mCom respectfully requests that mCom be granted Motion for Leave to file a Response out of time up to including August 13, 2021.⁵

Plaintiff became aware of the error when conducting a docket review.⁶

¹ Declaration of William P. Ramey, III (“Ramey Decl.”) at ¶4.

² *See id.* at ¶5.

³ *See id.*

⁴ *See id.*

⁵ *See id.*

⁶ Ramey Decl. at ¶6.

An extension of time is needed until August 13, 2021, for Plaintiff to fully develop its response as Plaintiff's counsel is currently conducting expert depositions for an upcoming trial, preparing for two Oral Arguments for Court of Appeals, and drafting substantial briefing in other cases.⁷

Plaintiff submits that good cause exists for the requested extension, which is not meant for improper delay of this proceeding and is in the substantial interest of justice.

WHEREFORE, Plaintiff respectfully requests that the Court grant leave and extend the time for Plaintiff to respond to Defendant, Alert's Motion to Dismiss, ECF No. 11 through and including August 13, 2021.

Respectfully submitted,

Ramey & Schwaller, LLP

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CERTIFICATE OF CONFERENCE

Plaintiff's counsel, William P. Ramey, III emailed counsel for CSI on July 29th and 30th, 2021, but have not received a response.

⁷ See *id.* at ¶8.

/s/ William P. Ramey, III
William P. Ramey, III

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure and Local Rule CV-5, I hereby certify that all counsel of record who have appeared in this case are being served on this day of July 30, 2021, with a copy of the foregoing via e-mail.

/s/ William P. Ramey, III
William P. Ramey, III